REMARKS/ARGUMENTS

The present Response under 37 C.F.R. §1.116 is responsive to the final Office Action mailed September 21, 2007 in the above-identified application.

Applicant's Statement of Substance of Interview

Applicant thanks the Examiner for the opportunity of a telephone interview conducted on October 24, 2007. During the interview, Applicant's representative cited the Specification, page 22, lines 8-25 and Fig. 7, Steps S9-S12, and pointed out that the phrase in claim 1 "wherein the short message is sent based on the determined identity of the home mobile telephony network" is fully supported by Applicant's disclosure. For example, Specification, page 22, lines 8-9 discusses that at S9 (shown in Fig. 7) the IMSI (International Mobile Subscriber Identity) is checked, and the Specification at page 22, lines 13-14 discusses that at S11 a short message code corresponding to a specific short message according to the operator of the HPLMN 200 (the home network) corresponding to the subscriber . . . is loaded. The Examiner stated that he will reconsider the 35 U.S.C. §112, first paragraph, rejection when the formal response to the final Office Action is filed. The foregoing will serve as Applicant's statement of the substance of the interview.

Claims 1-24 are the claims currently pending in the present application.

Rejection of Claims 1-24 under 35 U.S.C. § 112, First Paragraph

Claims 1-24 are rejected under 35 U.S.C. § 112, first paragraph, on the ground that the the written description requirement is not satisfied because the phrase "wherein the short message is sent based on the determined identity of the home mobile telephony network" in claims 1 and 11 is allegedly not fully supported by Applicant's disclosure.

As stated in the above-set forth discussion, Applicant respectfully submits that the cited portion of claim 1 is fully supported by Applicant's disclosure.

Rejection of Claims 1-23 under 35 U.S.C. § 103

Claims 1-23 are rejected under 35 U.S.C. § 103 as being obvious from Gibson et al., U.S. Patent No. 6,775,249 in view of Raviv et al., U.S. Patent Application Publication No. 2002/0164983 in view of Pirkola et al., U.S. Patent No. 6,611,516. Reconsideration of this rejection is respectfully requested.

Claims 1 and 11 require a dialing error notification system (or method per claim 11) for visiting subscribers in a visited mobile telephony network, comprising determining the identity of the home mobile telephony network based on the IMSI (International Mobile Subscriber Identity) of the visiting subscriber, sending a short message with a dialing error notification to the visiting subscriber, wherein the short message is sent based on the determined identity of the home mobile telephony network.

The Office Action acknowledges that Gibson fails to disclose a visited subscriber and a visited network, and sending a message to the visited subscriber's terminal, such that the identity of the visited subscriber is determined based on the International Mobile Subscriber Identity of the visited subscriber.

The Office Action cites Raviv, which discloses a system in which the identification of a roaming subscriber is done with the CLI, that is, using the MSISDN. This does not at all identify the operator or home network to which the subscriber belongs, and the Office Action does not allege that it does so.

The Office Action also cites Pirkola which discloses a gateway function that performs a dynamic mapping function between a PSTN (Public Switched Telephone Network)/cellular address and an MIPTN (Mobile IP-Telephony Network) addressee to allow registration and call delivery for subscribers roaming between the cell network and the MIPTN (Pirkola, Abstract). Pirkola further discloses that the gateway function supports internetwork roaming by storing a dynamic mapping or correspondence between a subscriber identification (for example IMSI or MSISDN) and an address of a Visited Function where the subscriber has roamed to allow delivery of calls or SMS short messages via the gateway function to a subscriber roaming between the networks (Pirkola, column 4, lines 10-32).

Gibson, Raviv and Pirkola, even taken together in combination, do not disclose or suggest determining the identity of the home mobile telephony network based on the IMSI of the visiting subscriber, and then sending a short message with a dial error notification to the visiting subscriber based on the determined identity of the home mobile telephony network, as required by claims 1 and 11. As discussed, Pirkola discloses using the IMSI to reach a roaming subscriber to generate a SMS short message, but is silent with respect to sending a short message based on a determined identity of the home mobile telephony network of the visiting subscriber, as required by claim 1. Thus, the feature of sending a dialing error notification short message based on the

determined identity of the home mobile telephony network is not disclosed or suggested by any of the cited references. It is this feature, determining the home network based on the roaming subscriber's IMSI, that allows a system according to the present invention to tailor the dialing error notification short message to be sent, and to determine, based on the home mobile telephony network of the visiting subscriber, whether the visiting subscriber has a right to a dialing error notification service. As discussed, the home mobile telephony network is determined with reference to the IMSI of the visiting subscriber.

Stated differently, Gibson, Raviv and Pirkola, even taken together in combination, do not disclose or suggest sending a dialing error notification short message with reference to the home mobile telephony network of the visiting subscriber, let alone with reference to the home mobile telephony network as determined based on the IMSI.

Lack of Motivation for Combining

Moreover, it is respectfully submitted that the Office Action cites no suggestion or motivation for combining the cited references to arrive at the proposed combination. The Office Action alleges that combining Pirkola into the system of Gibson and Raviv would have been obvious to a person of ordinary skill in the art for the benefit of achieving a system that includes dynamic mapping of subscriber identification, and allows subscribers to roam between an IP-telephony network and cellular network, citing column 1, lines 19-24 and column 4, lines 10-33 of Pirkola (Office Action, page 7).

It is respectfully submitted that, even if such a motivation was set forth in the cited art, it would have been insufficient to arrive at Applicant's invention, because the concept of using IMSI to determine the home mobile telephony network of the visiting subscriber, and then sending the dialing error notification short message based on the home mobile telephony network are not suggested or motivated for in the cited art. Among the problems recognized and solved by Applicant's claimed invention, as claimed in claims 1 and 11, are generating an error message and providing to a visiting mobile subscriber away from the subscriber's home mobile network an error message that is tailored (for example, the language of the message may be set in accordance with the language of the country of the home network), or not sent at all, based on the home network of the mobile subscriber (as determined with reference to the IMSI), is not disclosed or motivated for. The Office Action merely seems to be motivating for achieving a

system that provides for dynamic mapping of subscriber identification to allow roaming between networks of the type disclosed by Pirkola, but not to tailor the error notification short message delivery according to the home mobile telephony network of the mobile subscriber as determined with reference to the IMSI. Accordingly, it is respectfully submitted that Applicant's invention as claimed in claims 1 and 11 would not have been obvious based on Pirkola, Gibson and Raviv.

Claims 2-10 depend from claim 1 and claims 12-23 depend from claim 11, and therefore, claims 2-10 and 12-23 are patentably distinguishable over the cited art for at least reasons.

Claims 4, 13 and 17

In addition, with respect to claims 4, 13 and 17, Applicant notes as follows. Claims 4 and 17 require an apparatus for selecting text for the short message based on the identity of the home mobile telephony network. Further, claim 13 requires, based on the identity of the home mobile telephony network, determining whether the visiting subscriber has a right to a dialing error notification service. The Office Action alleges that it would have been obvious based on Raviv, Gibson and Pirkola to achieve "a system that provides short message service in a visited mobile network." (Office Action, page 6).

First, as discussed, providing short message service in a visited mobile network would not have motivated for a system as claimed in claims 1 and 11. Tailoring the error notification short message based on the home mobile telephony network would not have been motivated for based on the alleged motivation cited in the Office Action. With respect to claim 13, the Office Action alleges that such a feature would have been an inherent feature of services provided as disclosed in Gibson, Fig. 1, because "checking whether a subscriber is entitled to receive a service prior to offering the service is common procedure in telecommunication network." (Office Action, page 9).

As discussed, Gibson and the other cited art do not disclose or suggest determining whether an error notification short message is to be sent by referring to the home mobile telephony network of the roaming subscriber (as determined with reference to the IMSI). For a finding of "inherency," the Office Action must demonstrate that it would have been necessarily the case that the cited art includes the feature claimed to be inherent. For the reasons discussed, the above-cited feature of claim 13 is plainly not inherent in Gibson and the other cited art.

Rejection of Claim 24 under 35 U.S.C. § 103

Claim 24 is rejected under 35 U.S.C. § 103 as being obvious from Gibson and Raviv in view of Pirkola in further view of Lohtia et al., U.S. Patent Application Publication No. 2003/0211845. Reconsideration of this rejection is respectfully requested.

Rejection of Claim 24 under 35 U.S.C. § 103

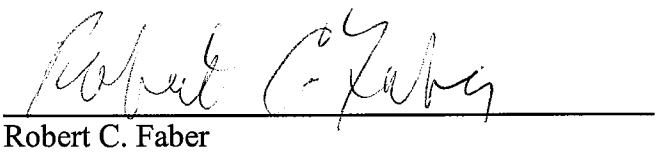
Claim 24 is rejected under 35 U.S.C. § 103 as being obvious from Gibson and Raviv in view of Pirkola in further view of Lohtia et al., U.S. Patent Application Publication No. 2003/0211845. Reconsideration of this rejection is respectfully requested.

Lohtia does not cure the above-identified deficiencies of Gibson, Raviv and Pirkola as they relate to the above-discussed features of independent claim 11. Therefore, since claim 24 depends from claim 11 it is patentably distinguishable over the cited art for at least the same reasons.

In view of the foregoing discussion, withdrawal of the rejections and allowance of the application are respectfully requested.

Respectfully submitted,

THIS CORRESPONDENCE IS BEING SUBMITTED ELECTRONICALLY THROUGH THE PATENT AND TRADEMARK OFFICE EFS FILING SYSTEM ON **February 22, 2008**.



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